

SENATE BILL No. 213

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-14-1.

Synopsis: Reciprocity for dentists. Decreases the period of out-of-state practice required of a dentist applying for a license by reciprocity from five of the preceding nine years to two of the preceding three years. Makes changes to the definition of "practicing dentistry".

Effective: July 1, 2004.

Wyss, Simpson

January 8, 2004, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 213

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-14-1-16, AS AMENDED BY P.L.24-1999,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 16. (a) An applicant for examination under this
4 article must submit to the board at least forty-five (45) days before the
5 examination date an application in a form and manner prescribed by
6 the board and proof satisfactory to the board that the applicant has not
7 been convicted of a crime that has a direct bearing on the applicant's
8 ability to practice competently. An applicant must submit proof to the
9 board at least seven (7) days before the examination date that the
10 applicant is a graduate of a dental school that is recognized by the
11 board.

12 (b) The board may issue a license upon payment of a fee, set by the
13 board under section 13 of this chapter, to an applicant who furnishes
14 proof satisfactory to the board that the applicant is a dentist who:

15 (1) is licensed in another state or a province of Canada that has
16 licensing requirements substantially equal to those in effect in
17 Indiana on the date of application;



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- (2) has practiced dentistry for at least five ~~(5)~~ **two (2)** of the ~~nine~~ **three (3)** years preceding the date of application;
- (3) passes the law examination administered by the board;
- (4) has completed at least twenty (20) hours of continuing education in the previous two (2) years; and
- (5) meets all other requirements of this chapter.

(c) The board shall have power to adopt rules under section 13 of this chapter for licensure by endorsement.

(d) An applicant shall, at the request of the board, make an appearance before the board.

SECTION 2. IC 25-14-1-23, AS AMENDED BY P.L.102-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 23. (a) A person is practicing dentistry within the meaning of this chapter if the person does any of the following:

- (1) Uses the word "dentist" or "dental surgeon", the letters "D.D.S." or "D.M.D.", or other letters or titles in connection with dentistry.
- (2) Directs and controls the treatment of patients within a place where dental services are performed.
- (3) Advertises or permits to be advertised by sign, card, circular, handbill, newspaper, radio, or otherwise that ~~he~~ **the person** can or will attempt to perform dental operations of any kind.
- (4) Offers to diagnose or professes to diagnose or treats or professes to treat any of the lesions or diseases of the human oral cavity, teeth, gums, or ~~maxillary or mandibular structures~~ **oral and maxillofacial region or associated and adjacent structures.**
- (5) Extracts human teeth or corrects malpositions of the teeth or jaws.
- (6) Administers dental anesthetics.
- (7) Uses x-ray pictures for dental diagnostic purposes.
- (8) Makes impressions or casts of any oral tissues or structures for the purpose of diagnosis or treatment thereof or for the construction, repair, reproduction, or duplication of any prosthetic device to alleviate or cure any oral lesion or replace any lost oral structures, tissue, or teeth.
- (9) Advertises to the public by any method, except trade and professional publications, to furnish, supply, construct, reproduce, repair, or adjust any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth.
- (10) Is the employer of a dentist who is hired to provide dental services.

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(11) Directs or controls the use of dental equipment or dental material while the equipment or material is being used to provide dental services. However, a person may lease or provide advice or assistance concerning dental equipment or dental material if the person does not restrict or interfere with the custody, control, or use of the equipment or material by the dentist. This subdivision does not prevent a dental hygienist who is licensed under IC 25-13 from owning dental equipment or dental materials within the dental hygienist's scope of practice.

(12) Directs, controls, or interferes with a dentist's clinical judgment.

(13) Exercises direction or control over a dentist through a written contract concerning the following areas of dental practice:

(A) The selection of a patient's course of treatment.

(B) Referrals of patients, except for requiring referrals to be within a specified provider network, subject to the exceptions under IC 27-13-36-5.

(C) Content of patient records.

(D) Policies and decisions relating to refunds, if the refund payment would be reportable under federal law to the National Practitioner Data Bank, and warranties.

(E) The clinical content of advertising.

(F) Final decisions relating to the employment of dental office personnel.

However, this subdivision does not prohibit a person from providing advice or assistance concerning the areas of dental practice referred to in this subdivision or an insurer (as defined in IC 27-1-26-1) from carrying out the applicable provisions of IC 27 under which the insurer is licensed.

However, a person does not have to be a dentist to be a manufacturer of dental prostheses.

(b) In addition to subsection (a), a person is practicing dentistry who directly or indirectly by any means or method furnishes, supplies, constructs, reproduces, repairs, or adjusts any prosthetic denture, bridge, appliance, or any other structure to be worn in the human mouth and delivers the resulting product to any person other than the duly licensed dentist upon whose written work authorization the work was performed. A written work authorization shall include the following:

(1) The name and address of the dental laboratory to which it is directed.

(2) The case identification.

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(3) A specification of the materials to be used.

(4) A description of the work to be done and, if necessary, diagrams thereof.

(5) The date of issuance of the authorization.

(6) The signature and address of the licensed dentist or other dental practitioner by whom the work authorization is issued.

A separate work authorization shall be issued for each patient of the issuing licensed dentist or other dental practitioner for whom dental technological work is to be performed.

(c) This section shall not apply to those procedures which a legally licensed and practicing dentist may delegate to competent office personnel as to which procedures the dentist exercises supervision and responsibility. Delegated procedures may not include either:

(1) those procedures which require professional judgment and skill such as diagnosis, treatment planning, and the cutting of hard or soft tissues or any intraoral impression which would lead to the fabrication of an appliance, which, when worn by the patient, would come in direct contact with hard or soft tissues and which could result in tissue irritation or injury; or

(2) those procedures allocated under IC 25-13-1 to licensed dental hygienists.

This chapter shall not prevent dental students from performing dental operations under the supervision of competent instructors within the dental school or a university recognized by the board or in any public clinic under the supervision of the authorized superintendent of such clinic authorized under the authority and general direction of the board of health or school board of any city or town in Indiana.

(d) Licensed pharmacists of this state may fill prescriptions of licensed dentists of this state for any drug necessary in the practice of dentistry.

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